

REMARKS

Claims 44-52, 54-57, 59-62, 65-68, and 70-87 are pending in this application, with Claims 1-43, 53, 58, 63, 64, and 69 previously cancelled, Claims 70-87 previously withdrawn, and Claims 44-52, 54-57, 59-62, and 65-68 under examination.

Claims 70-87 are cancelled in the present paper. Claims 44-52, 54-57, 59-62, and 65-68 are currently pending and under examination.

Applicants thank the Examiner for withdrawing previous claim rejections under 35 U.S.C. §112, 1st paragraph and 35 U.S.C. §112, 2nd paragraph.

Claim Rejections

Claims 44-47, 49, 52, 50, and 65 stand rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-9 of U.S. Patent No. 6,340,460.

Under 37 C.F.R. §1.130, “[a] judicially created double patenting rejection may be obviated by filing a terminal disclaimer in accordance with §1.321(c).” Applicants herewith submit a terminal disclaimer under 37 C.F.R. §1.321(c) over U.S. Patent No. 6,340,460, with the fee under 37 C.F.R. §1.20(d), and take the position that “[t]he filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection.” MPEP §804.02, citing *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Applicants submit that the double patenting rejection of Claims 44-47, 49, 52, 50, and 65 has been obviated and Claims 44-47, 49, 52, 50, and 65 should be found in condition for allowance.

Claim Objections

Claims 48, 50, 51, 54-57, 59, 61, 62, and 66-68 are objected to. Applicants request that objections to Claims 48, 50, 51, 54-57, 59, 61, 62, and 66-68 be withdrawn in light of the allowability of Claims 44-47, 49, 52, 50, and 65.

CONCLUSIONS

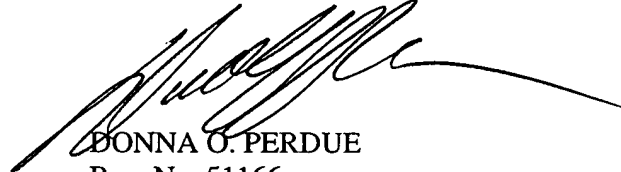
Claims 44-52, 54-57, 59-62, 65-68, and 70-87 were previously pending in this application. Claims 70-87 are cancelled in the present paper.

Claims 44-52, 54-57, 59-62, and 65-68 are currently pending and are in condition for allowance.

Please charge any fees associated with the submission of this paper to Deposit Account Number 03-3975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and/or 1.10*

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* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.